

AMENDED IN ASSEMBLY MARCH 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2116

**Introduced by Assembly Members Cohn, Jerome Horton, and
Negrete McLeod**

February 17, 2006

An act to amend ~~Section 8592.4~~ *Sections 8592.1, 8592.4, and 8592.5* of the Government Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2116, as amended, Cohn. Emergency services: disaster assistance: equipment.

Existing law requires the Public Safety Radio Strategic Planning Committee to make recommendations for state agency purchase of communications equipment that will enable interoperability and other shared uses of public safety spectrum with local and federal agencies.

This bill would specify that the recommended equipment be public safety radio subscriber equipment that also conforms to governmental standards for interoperability and, as technology evolves, that the equipment be nonproprietary and have open architecture and backward capability. *The bill would authorize the committee to recommend this equipment to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.*

The bill would define “nonproprietary equipment,” “open architecture,” “backward compatibility,” and other related terms, for these purposes.

The bill would require a local frontline public safety agency that purchases public safety radio communication equipment with state

funds or federal funds administered by the state, to ensure that the equipment purchased complies with certain specifications.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 ~~(a) The ability of several public safety agencies to~~
4 ~~communicate with one another from neighboring cities, adjacent~~
5 ~~counties, and across the state has become more essential since the~~
6 ~~terrorist attacks on September 11, 2001. The events of September~~
7 ~~11 clearly demonstrated the need for law enforcement,~~
8 ~~firefighters, and emergency medical services personnel to be able~~
9 ~~need to enhance the ability of public safety agencies from~~
10 ~~neighboring cities, adjacent counties, and across the state to~~
11 ~~communicate with one another during emergencies has become~~
12 ~~more evident and essential since the terrorist attacks on~~
13 ~~September 11, 2001. The events of September 11, as well as~~
14 ~~recent federally declared natural disasters, clearly demonstrated~~
15 ~~the need for law enforcement, firefighters, emergency medical~~
16 ~~services personnel, and related public and private agencies that~~
17 ~~have public safety responsibilities to be able to effectively~~
18 ~~communicate in times of need so resources can be properly~~
19 ~~utilized and lives can be saved.~~

20 (b) Currently in this state, the ability of public safety agencies
21 to communicate with each other is largely impossible because of
22 all the different communications systems *and frequencies* being
23 utilized by the various public safety agencies. This problem has
24 been examined by the California Statewide Interoperability
25 Executive Committee, the Public Safety Radio Strategic Planning
26 Committee, and the Legislature.

27 (c) As we move to develop regional communications systems,
28 the governance of the systems will be the key to ~~their~~ success.
29 There are some basic elements that must be included for any
30 regional system to work effectively. These elements include the
31 following:

32 (1) Regional systems should be established taking into
33 consideration topography, contiguous urban areas, and

1 operational efficiency with respect to response agreements with
2 local public safety agencies and, at minimum, should serve a
3 county *and be capable of interlinking with other systems*
4 *simultaneously in real time.*

5 (2) Regional systems must be compliant with current and
6 applicable standards.

7 (3) Regional systems should be developed based on a shared
8 governance model, the use of joint powers agreements is one
9 workable model. The governance board responsibilities would
10 include, but not be limited to, establishing advisory committees
11 to develop recommendations on system operational issues,
12 technical upgrades, and system financial planning.

13 (4) Regional systems should be developed using costing
14 models that include subscriber fees that cover system operational
15 costs, personnel needed to manage the network, technical
16 upgrades or enhancements, and system replacement costs.

17 (5) Regional systems should be sized to include sufficient
18 frequency capacity to serve all public interests including state,
19 county, local government, and special districts.

20 (6) Regional systems must be developed in conjunction with
21 ongoing regional and statewide planning efforts to ensure
22 adequate frequency coordination.

23 *SEC. 2. Section 8592.1 of the Government Code is amended*
24 *to read:*

25 8592.1. For purposes of this article, the following terms have
26 the following meanings:

27 (a) ~~“Public safety spectrum” means the spectrum allocated by~~
28 ~~the Federal Communications Commission for operation of~~
29 ~~interoperable and general use radio communication systems for~~
30 ~~public safety purposes within the state~~ *“Backward compatibility”*
31 *means the special case of compatibility in which the new*
32 *equipment has a direct historical ancestral relationship with the*
33 *old equipment and is able to support older, existing technologies,*
34 *including, minimally, a consistent interface allowing*
35 *interoperability between components and products that were*
36 *each developed separately.*

37 (b) “Committee” means the Public Safety Radio Strategic
38 Planning Committee, which was established in December 1994
39 in recognition of the need to improve existing public radio
40 systems and to develop interoperability among public safety

1 departments, and between state public safety departments and
2 local or federal entities and which consists of representatives of
3 the following state entities:

- 4 (1) The California Highway Patrol.
- 5 (2) The Department of Transportation.
- 6 (3) The Department of Corrections.
- 7 (4) The Department of Parks and Recreation.
- 8 (5) The Department of Fish and Game.
- 9 (6) The Department of Forestry and Fire Protection.
- 10 (7) The Department of Justice.
- 11 (8) The Department of Water Resources.
- 12 (9) The Office of Emergency Services.
- 13 (10) The Emergency Medical Services Authority.
- 14 (11) The Department of the Youth Authority.
- 15 (12) The Department of General Services.
- 16 (13) The Office of Homeland Security.

17 (c) *“Downward compatibility” has the same meaning as*
18 *backward compatibility.*

19 (d) *“Extensibility” means a system design principle in which*
20 *implementation takes into consideration future growth. It is a*
21 *systemic measure of the ability to extend a system and the level of*
22 *effort required to implement the extension. Extensions can be*
23 *through the addition of new functionality or through modification*
24 *of existing functionality. The central theme is to provide for*
25 *change while minimizing impact to existing system functions.*

26 (e) *“Nonproprietary equipment” means equipment that is not*
27 *unique to a commercial entity. The equipment is able to*
28 *communicate with another manufacturer’s equipment regardless*
29 *of the radio system type or design.*

30 (f) *“Forward compatibility” means that equipment and*
31 *systems previously released will run under the newly released*
32 *version of the same system.*

33 (g) *“Open architecture” means a system that can*
34 *accommodate equipment from various vendors because it is not a*
35 *proprietary system. Open architecture equipment has*
36 *characteristics that comply with specified, publicly maintained,*
37 *readily available standards and, therefore, can be connected to*
38 *other systems that comply with these same standards.*

39 (h) *“Public safety radio subscriber” means the ultimate end*
40 *user. Subscribers include individuals or organizations, including,*

1 *for example, local police departments, fire departments, and*
2 *other operators of a public safety radio system. Typical*
3 *subscriber equipment includes end instruments, including mobile*
4 *radios, hand held radios, mobile repeaters, fixed repeaters,*
5 *transmitters, or receivers that are interconnected to utilize*
6 *assigned public safety communications frequencies.*

7 *(i) "Public safety spectrum" means the spectrum allocated by*
8 *the Federal Communications Commission for operation of*
9 *interoperable and general use radio communication systems for*
10 *public safety purposes within the state.*

11 *(j) "Upward compatibility" has the same meaning as forward*
12 *compatibility.*

13 ~~SEC. 2.~~

14 *SEC. 3.* Section 8592.4 of the Government Code is amended
15 to read:

16 8592.4. (a) The committee shall determine which state public
17 safety departments listed in subdivision (b) of Section 8592.1
18 need new or upgraded communication equipment and shall
19 establish a program for equipment purchase. In establishing this
20 program, the committee shall recommend the purchase of public
21 safety radio subscriber equipment that will enable state agencies
22 to commence conforming to industry and governmental standards
23 for interoperability as set forth in Section 8592.5. As technology
24 continues to evolve, the committee shall recommend the
25 purchase of nonproprietary communications systems ~~and devices~~
26 that have open architecture, backward compatibility, and
27 compliance with subdivision (a) of Section 8592.5.

28 *(b) The committee may recommend to any other federal, state,*
29 *regional, or local entity with responsibility for developing,*
30 *operating, or monitoring interoperability of the public safety*
31 *spectrum the purchase of public safety radio subscriber*
32 *equipment that will enable first response agencies to commence*
33 *conforming to industry and governmental standards for*
34 *interoperability as set forth in paragraphs (1) and (2) of*
35 *subdivision (a) of Section 8592.5. As technology continues to*
36 *evolve, the committee shall recommend the purchase of*
37 *nonproprietary communications systems that have open*
38 *architecture, backward or upward compatibility, and compliance*
39 *with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.*

40 ~~(b)~~

1 (c) This section does not mandate that a state or local
2 governmental agency affected by this section is required to
3 compromise its immediate mission or ability to function and
4 carry out its existing responsibilities.

5 *SEC. 4. Section 8592.5 of the Government Code is amended*
6 *to read:*

7 8592.5. (a) Except as provided in subdivision~~(b)~~ (c), a state
8 department that purchases public safety radio communication
9 equipment shall ensure that the equipment purchased complies
10 with applicable provisions of the following:

11 (1) The common system standards for digital public safety
12 radio communications commonly referred to as the “Project 25
13 Standard,” as that standard may be amended, revised, or added to
14 in the future jointly by the Associated Public–Safety
15 Communications Officials, Inc., National Association of State
16 Telecommunications Directors and agencies of the Federal
17 Government, commonly referred to as “APCO/NASTD/FED.”

18 (2) The operational and functional requirements delineated in
19 the Statement of Requirements for Public Safety Wireless
20 Communications and Interoperability developed by the
21 SAFECOM Program under the United States Department of
22 Homeland Security.

23 (b) *Except as provided in subdivision (c), a local frontline*
24 *public safety agency that purchases public safety radio*
25 *communication equipment, in whole or in part, with state funds*
26 *or federal funds administered by the state, shall ensure that the*
27 *equipment purchased complies with paragraphs (1) and (2) of*
28 *subdivision (a).*

29 ~~(b)~~

30 (c) Subdivision (a) *or (b)* shall not apply to either of the
31 following:

32 (1) Purchases of equipment to operate with existing state or
33 local communications systems where the latest applicable
34 standard will not be compatible, as verified by the
35 Telecommunications Division of the Department of General
36 Services.

37 (2) Purchases of equipment for existing statewide low-band
38 public safety communications systems.

39 ~~(e)~~

1 (d) This section may not be construed to require an affected
2 state *or local* governmental agency to compromise its immediate
3 mission or ability to function and carry out its existing
4 responsibilities.

O